IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2712 OF 2005

1.Bhana s/o Shri Gela Gangdas Vavia, Petitioner
Vs
1. Mahendra s/o Shri Kanaji Mor
and ors. .. Respondents.

Mr Dharam Sharma, i/b Dharma & Co., for the petitioner.
Mr A.S.Shitole, APP for the respondent-State.
Mr D.M.Joshi, for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 2nd August, 2006

1. Heard the learned counsel for the parties.

2. This petition is directed against the order dated 13.10.2005, by which the learned Magistrate has rejected the prayer to direct investigation under section 156(3) of Cr.P.C. From perusal of the order, it is clear that the learned Magistrate intends to enquire into the complaint by following the procedure contemplated under section 202 of Cr.P.C. That provision gives ample power to the learned Magistrate even to direct the police officer to investigate the offence. Keeping that in view, in my opinion, the petitioner has no right to state that the Court cannot do any enquiry under section 202 of Cr.P.C and should direct investigation under section 156(3) of Cr.P.C. Keeping in view the peculiar facts and circumstances of the case, the judgment relied upon by the learned

counsel for the petitioner in Mohindro Vs. State of Punjab and ors, 2001 (Supp.2) Bom.C.R. 510, is of no avail to the petitioner. The writ petition is dismissed.

(D.B.BHOSALE,J.)